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THE

TRUE STATE

OF THE

QUESTION.

It is the curſe of Kings to be attended
By Slaves, and take their humour for a warrant,
And on the winking of authority
To underſtand a law, to know the meaning
Of dangerous Majeſty, when perchance it frowns
More upon humour than adviſed reſpect.

SHAKESPEARE.

LONDON:
M,DCC,LXXXIV.

THE following little Tract having been much admired for the plain and intelligible manner in which it states THE QUESTION *now before the Public, it is reprinted by some Friends to the Constitution, and it is not doubted but, that the Author, whoever he is, will excuse, on account of the object, the liberty taken in doing this without his consent.*

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THE preſent diſpute between the King and the Houſe of Commons, is the univerſal topic in all ſocieties: It is as it ought to be, the leading idea in every man's mind; and however the converſation begins, it naturally ſlides into this great ſubject, for a great one it certainly is, unleſs liberty and the conſtitution are become mere ſounds.

In liſtening to and partaking of theſe amicable altercations, I have obſerved with great ſurpriſe, that there are numbers who do not at all underſtand the ſtate of the queſtion: now as I think if ever any political queſtion could admit of being rendered ſimple and clear, it is that which at preſent is in diſpute, I muſt beg that ſuch as wiſh to decide upon it fairly and honeſtly, and are not predetermined that reaſon ſhall have no effect upon them, will liſten to what I have to ſay; I will be as ſhort as I can, and I will attempt no oratory, for I deſire not to perſuade, but to convince; and I will endeavour to aſſume no fact that is not univerſally allowed, nor to draw any concluſion that is not fair and obvious.

The actual Government was fixed at the Revolution. The tyranny and bigotry of the King had diſſolved the contract between him and the people. A new King was called; but, before the Crown was conferred upon him, ſuch reſtrictions of the prerogative, and ſuch declarations of the rights of the people, were inſiſted upon as might for the future confine the royal power within its due bounds. Little or no alteration was made in the form or theory of

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ment; but every proviſion was made, that the wiſdom or temper of the times allowed of, to ſecure the independency of Parliament, and the liberties of the people.

No part of the ſyſtem then eſtabliſhed, ſeems to have been better underſtood or more happily conceived than that which regarded *the Adminiſtration of Government.* The whole executive power reſides virtually in the King;---this is the very eſſence of the Conſtitution, one of the fundamental pillars of the edifice; he can, therefore, be amenable to no law, becauſe for a man to ſit in judgment upon himſelf implies a contradiction. In his legiſlative capacity, as a third independent ſtate, he is not accountable to the other two, any more than they are reciprocally to him or to each other. Thus the ſentence of the law, "that the King can do no wrong," is not an old legal adage, founded on obſolete notions of prerogative, but a poſitive maxim of fact, deriving neceſſarily from the principles of the Conſtitution. But for the King to exerciſe the various executive powers in his own perſon, is not only phyſically impoſſible, but muſt, *ipſo facto*, deſtroy the ſhadow

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of a balance between the three eſtates. The immediate command of the army, the navy, the unlimited power of creating Peers; a power, which exerted in the extent, gives the Crown an abſolute controul over that Houſe; and above all, the diſpoſal of an immenſe patronage of honours and emoluments, muſt, if exerciſed in the perſon of a magiſtrate reſponſible for none of his actions, have rendered that magiſtrate the moſt deſpotic Sovereign in Europe. The expedient adopted was ſimple, obvious, and adequate. Theſe powers were ſeparately delegated to perſons appointed by the King, and acting under his authority, but reſponſible to the laws and the legiſlature, and to the appointment of whom the ſanction of Parliament was an indiſpenſible requiſite, becauſe Parliament having it in their power to with-hold the ſupplies, would only grant them to ſuch men as had their approbation. Thus Miniſters became public men, reſponſible to Parliament for their conduct, and looking up to Parliament for ſupport, and not as in deſpotic governments, the mere inſtruments of the will of an arbitrary maſter. Such was the ſyſtem

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of Adminiſtration eſtabliſhed at the Revolution, and continued without change or diminution, through four ſucceſſive reigns to the death of the late King; and I will venture to aſſert, that every reaſoning and impartial man, who will begin by examining the probable efficacy of this ſyſtem for the preſervation of public liberty and the independence of Parliament, and will then trace its operation through the period above-mentioned, will not heſitate to pronounce it the great palladium of the Conſtitution. For thoſe who are not diſpoſed to enter upon ſuch an inveſtigation, ſuffice it to obſerve, that from the inſtitution of this ſyſtem in 1688, to the eſſential alteration made in it in 1760, the hiſtory of the world cannot furniſh an inſtance of a nation more mildly, more peaceably, more equitably governed; more happy and proſperous at home, or more glorioufly ſucceſsful abroad, than is preſented by the annals of Great Britain during the ſeventy-two years immediately ſucceeding this great æra of the Conſtitution; and that from the hour this ſyſtem was to be undermined, to make way for that which it is now pro-

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poſed to ratify and avow, the country has declined with a rapidity which has no example.

His preſent Majeſty aſcended the Throne of his anceſtors with advantages unknown to the moſt fortunate of his predeceſſors. As a man his felicity was ſuch that nothing was left for the poets of that time to imagine.---At his birth

"Nature and Fortune join'd to make him great."

As a Monarch he was the idol of a glorious, proſperous, and happy nation. His arms victorious in every quarter of the globe; his adminiſtration conducted by one of the honeſteſt and ableſt ſtateſmen that ever exiſted, poſſeſſing the unbounded confidence of the parliament, and the people. ---When I contemplate this bright picture, and then turn to the dark ſcene which follows---When I conſider what might have been, and what is---How, and for what objects theſe advantages are ſacrificed---It is difficult indeed to preſerve the temper which decency requires.

When Lord Bute retired from public view, the *principles* on which he came into power and his creatures remained fixed in

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the Cabinet; and have more or leſs directed or counteracted all its meaſures to the preſent hour. The eſtabliſhment of immediate and perſonal influence has been the leading principle during the whole of the preſent reign; to this every view has been directed; to this every ſet of men have been ſacrificed in their turn, without heſitation or remorſe, as ſoon as they would no longer ſubmit to be diſhonoured by its operation, or had become the execration of the public by acquieſcing in its deſtructive meaſures*. It does not come within the compaſs of my plan to trace this baleful principle through the long detail of its dark manœuvres for more than twenty years; and it is fully ſufficient for my argument, that nobody denies or doubts its exiſtence.

Since the employment of the immediate and perſonal influence of the Crown has been more openly avowed, attempts have been made to juſtify its principle. The

* Lord North continued long in office, becauſe he was pledged for the continuance of the American war, which was a favourite Court meaſure. For the laſt year he was in that unhappy predicament, which leaves only the choice of evils—He could neither remain in office with credit or ſelf-approbation, or reſign with honour. This was the triumph of ſecret influence.

Crown lawyers, a deſcription of men ever unfriendly to liberty, have of late affected to talk in high terms of the *right* which the King has to exerciſe his prerogative. But this word *right* has two ſignifications, which it is very dangerous to confound. In one ſenſe a man is ſaid to have a *right* to do all that is not forbidden by the laws, however contrary to ſenſe and juſtice: in the other he is ſaid to have no right to do even what the law allows, if it be contrary to the dictates of reaſon and morality. On the former interpretation, the moſt extravagant and criminal exceſſes may be juſtified.

What then is the criterion by which we are to diſtinguiſh right from power. In private individuals it is honour and conſcience; and in the governors of the people it is the public advantage; every exerciſe of power, therefore, which has not the public good for its object, however ſupported by theory, or by whomſoever exerciſed, is arbitrary and illegitimate.

But to return to the more immediate object of this Addreſs. I have endeavoured to ſhow that the eſtabliſhment of immediate

diate and perſonal influence upon the ruins of public parliamentary reſponſible Adminiſtration has been the great object of the preſent reign---that the latter is a ſyſtem admirably calculated to ſecure the independency of Parliament and the rights of the people, without endangering the juſt prerogative of the Crown----and that the former tends evidently to ſubvert the independency of Parliament and the liberties of the people by throwing the whole weight of power into the hands of the King. Now no man will have the effrontery to deny that the laſt Adminiſtration were forced into power by the ſole efficacy of parliamentary ſupport in direct oppoſition to ſecret influence which they ſtood pledged to detect and reſiſt in all its forms. Hence the reluctant delay with which they were at firſt admitted into office---hence the artful and ſucceſsful attempt to break their force by tempting Lord Shelburne with a bait which he had not ſtrength of mind to reſiſt---hence the rage and deſpair occaſioned by the Coalition, which once more enabled parliamentary ſupport to take perſonal influence by ſtorm as it has been

emphatically expreſſed by the creatures of the latter----and hence the laſt deſperate exertion of ſecret influence over a few Lords of the Bedchamber, to throw a Bill out of Parliament which had been brought in by the King's Miniſters, and had paſſed the Commons three to one; and to remove an Adminiſtration in the plenitude of parliamentary ſupport, to make way for a ſet of men who have ſworn allegiance to that influence to which they owe their political exiſtence.

Mr. Pitt, you are a very young man, and it is the characteriſtic of ingenious youth to be open and unſuſpecting. You poſſeſſed a character till now ſpotleſs, a great hereditary name, and the reputation of knowledge and ability far above your years; and you are followed by a ſet of men juſt ſtepping into the world, of whom as nothing is known nothing ill can be ſpoken. Such a deſcription of perſon was perhaps the only inſtrument the King could have employed with ſucceſs on the preſent occaſion. More experience would have preſerved you from becoming the dupe of the moſt hackneyed arts; and with leſs

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character your name could not have been held out as a ſucceſsful lure to the people. But let me beſeech you, Sir, in the name of this wretched ruined country to conſider well what you do. The eyes of the univerſe are turned towards you, and a ſplendid name and high character are ſurely worth deliberation! I know they are as difficult to ſupport as they are rare and valuable; but they may be loſt irretrievably by a ſingle act in a ſingle inſtant. Examine, therefore, by what arts and on what motives your great father was firſt diſmiſſed from office, how his Adminiſtration was afterwards rendered impotent and abortive, and why the virtuous Lord Rockingham was obliged to reſign? Compare the arts then employed, and the objects then propoſed with the preſent circumſtances, obſerve in what they differ in practice or deſign *, and do not miſtake the voice of a party, heated by the occaſion, and the cry of intereſted individuals for the calm deliberate approbation of the public.

* Mr. Pitt is ſaid to have urged the perſonal ſolicitation of his Sovereign as a principal motive for coming into office. The late Mr. Charles Yorke accepted the Seals becauſe he could not reſiſt royal ſolicitation. What was the conſequence?

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I have very willingly given you the credit of ſuppoſing you actuated only by great public conſiderations; otherwiſe it would be eaſy to point out to you on what hollow and dangerous ground the intereſt of your perſonal and private ambition at preſent ſtands. All paſt example ſhows you how unfriendly the ſituation of Miniſter is to the affection of the people; you therefore can hardly flatter yourſelf that an exception will be made in your favour in times ſo peculiarly difficult as the preſent; but if it could, you may reſt aſſured, that the moment your popularity has ſerved the turn, it will become an immediate object of jealouſy to the K---, to the junto, and to the greateſt part of your motley aſſociates in office; and that if you were ever to venture to reſt upon it to carry any great public meaſure into force which had not the thorough approbation of theſe perſons, that inſtant your doom would be ſealed; on the firſt nod of the maſter, the mutes of the Bedchamber and interior Cabinet would ſtand ready to give you the bow-ſtring with as little remorſe and as much ſatisfaction

faction as they juſt ſtrangled the laſt ſet of Britiſh Miniſters.

The queſtion therefore is not whether it be expedient to diſpoſſeſs the Eaſt India Company of its territorial or commercial powers---not whether Mr. Pitt or Mr. Fox be the honeſter or abler man, or whether Lord Gower or the Duke of Portland has the higher character for political integrity ---theſe queſtions have nothing to do with the preſent ſubject, and thoſe who put them forward as main points are either deceived themſelves, or endeavour purpoſely to miſlead the attention of others. No, the ſole object in diſpute, it cannot be too often repeated, is whether the ſyſtem of a parliamentary reſponſible Adminiſtration ſhall be reſtored, a ſyſtem which for a period of 70 years our government was the envy of nations, and we became the firſt people in the univerſe; or that fatal error ratified and continued, which, during an operation of 20 years, has led us through a long and uninterrupted ſeries of folly and diſhonour, from the pinnacle of glory and proſperity to the brink of infamy and deſtruction.

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Not but that the late Miniſters might meet the preſent men with equal advantage on all theſe collateral points as on the main queſtion. Nay, the very India bill itſelf, againſt which ſo much popular clamour has been artfully excited, this ſtrong hold of the new Cabinet, and the manner in which it was brought into Parliament, furniſh the ſtrongeſt inſtance of the adherence of the late Adminiſtration to their great principle, and ought alone to ſecure to them the perpetual confidence of the nation. Had Mr. Fox brought forward a trimming, half-formed, abortive meaſure, placing the patronage in the Crown, and ſacrificing part of the object of the bill to gain the ſupport, or ſtop the clamour of intereſted individuals, no pretext had then been furniſhed for what afterwards happened, and what it was too well foreſeen would be attempted; the evil indeed would not have been remedied, and millions of people might have continued to groan under oppreſſions that make a good man aſhamed of his humanity; but a ſpecious palliative might have been held forth, and Miniſters would have kept their offices,

at leaſt till ſome new and more ſubtile poiſon could be prepared, or ſome unguarded hour had furniſhed a ſafer opportunity for an unſeen hand to direct the ſtiletto to their hearts. But they ſcorned ſuch paltry motives---they boldly ſtepped forward with ſuch a bill as they thought adequate to the evil, without regard to party clamours, or the certainty that every poſſible advantage would be taken of theſe clamours to drive them out of office on a plauſible and popular pretence. They treated the diſeaſe, not with the flattering unction of a timid and ignorant pretender,

> —— To ſkin and film the ulcerous part
> While rank corruption mining all within
> Infects unſeen ——

but with a firm and ſteady hand, probing the ſore to the bottom, and amputating the rotten parts to preſerve the whole maſs from mortification.

The objections to Mr. Fox's bill, upon which the clamours have been excited, are,

That it takes away chartered rights;

That it places a great weight of patronage in unſafe or improper hands;

That it trenches on the prerogative of the Crown.

The firſt of theſe objections implies too much ignorance of the firſt principles of legiſlation in general, and of the ſpirit of the Britiſh conſtitution in particular, that it hardly deſerves a ſerious anſwer. Are we to be told, that when any rights, of which individuals are left in poſſeſſion by the law, become incompatible with the public ſafety, it is not only the right but the immediate duty of the legiſlature to remove them?---That a grant from the Crown of a monopoly of thoſe rights neither does nor can fence the rights themſelves from parliamentary regulation?---That if the rights themſelves may be regulated or taken away, *a fortiori*, the monopoly of them may be reſtrained or reſcinded?--&c. &c. If this is not demonſtrable I know nothing that is ſo.

The anſwer to the ſecond objection has always appeared to me equally obvious and ſimple. The corruption and incapacity of the Company's Government was the evil which the Bill was to remedy; in tracing the cauſes of this diſorder, it was found

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not ſo much to proceed from Mal-adminiſtration, as from a radical fundamental error in the Government itſelf. An *imperium in imperio* has always been eſteemed a ſoleciſm in politics, but imperial juriſdiction in a trading company implies a monſtrous contradiction of contending and irreconcileable principles from which the worſt kind of tyranny muſt neceſſarily reſult. The ſole principle of a commercial company is *gain*; and the ſole principle of every juſt Government ought to be *to ſecure the proſperity of the people governed.* Now is it not obvious that theſe two principles muſt remain at perpetual variance; and that the former will always prevail over the latter? If this reaſoning is juſt, and I think it is unanſwerable, it follows, that the firſt preliminary ſtep to the relief of the Eaſt Indies was to remove every part of Government out of the hands of the Company; and the queſtion only remained, where theſe powers were to be placed. But after the vote "that the influence of "the Crown had encreaſed, was encreaſ-"ing, and ought to be diminiſhed," with what ſort of conſiſtency could the ſame

Houſe of Commons propoſe to place in the hands of the Crown a patronage magnified as ſo great and dangerous? And if a power has grown up in the State which it is conceived may be employed for unconſtitutional purpoſes, where can that power be ſo ſafely depoſited as in the hands of the repreſentatives of the people? While the good underſtanding between the King and the Commons ſhall ſubſiſt, there is no fear of the Crown's wanting a due influence in that Houſe; and if it is to ceaſe, and the powers of each, inſtead of co-operating through the medium of a Parliamentary Adminiſtration, are to be oppoſed to each other, where is the Engliſhman who would heſitate which hands to ſtrengthen? Or where is the man of common underſtanding who can ſuppoſe that the rights of the people are dearer to the Crown than to their own immediate repreſentatives?

On the laſt objection I ſhall only obſerve, that the different branches of the legiſlature have reſerved to themſelves various executive powers. The ſupreme judicature of the Lords----the competency of both Houſes to try and puniſh

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certain offences---and above all, the power of arraigning Miniſters, are all high executive powers; thoſe, therefore, who reaſon merely from the theory of the Conſtitution, will, on this occaſion, as almoſt on all others, find their concluſions wide of the fact.

One word on the diſſolution of Parliament and I have done. The friends of the Court-party affect to treat this meaſure as the moſt ſimple and natural occurrence; and to wonder why there ſhould be the leaſt heſitation in the King's Miniſters on adopting ſo obvious and eaſy a reſource in the preſent difficulty.

But I aſk, Is THERE NOTHING UNCONSTITUTIONAL IN DISSOLVING A PARLIAMENT, NOT SUFFICIENTLY OBEDIENT TO THE ROYAL PLEASURE, SOLELY AND AVOWEDLY IN THE HOPE OF OBTAINING THRO' THE INFLUENCE OF THE CROWN, A NEW PARLIAMENT MORE OBEDIENT TO THE ROYAL WILL?

It has been too frequently the misfortune of mankind not to ſee the danger till the miſchief has actually taken place; and it is too late for redreſs. Should

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the perſonal influence of the Crown triumph over Parliament, our ſons will perfectly underſtand how their liberties were loſt; but they will not perhaps ſo readily diſcover by what means they are to be regained.

Before I take my leave, I ſhall ſtate certain *maxims*, which may ſerve as a recapitulation of the ſubject; and which I earneſtly recommend to the attention of the public.

That the ſyſtem of a ſtrong reſponſible parliamentary Adminiſtration is excellently calculated to preſerve the conſequence of Parliament and the rights of the people.

That the ſyſtem of ſecret and perſonal influence tends to ſubvert the conſtitution, to ſet the three eſtates at variance, and to endanger the liberties of the people.

That the late Miniſtry owed their exiſtence ſolely to the ſupport of Parliament.

That the preſent Miniſtry owe their exiſtence ſolely to the exertion of the ſecret and perſonal influence of the Crown.

That it is the indiſpenſible duty of Parliament to ſupport ſuch men only as they approve of.

That

That to diſſolve the Parliament merely for doing its duty, would be an abſurd, dangerous, and unconſtitutional exertion of the prerogative.

FINIS.